

NOTICES OF EXEMPT RULEMAKING

The Administrative Procedure Act requires the *Register* publication of the rules adopted by the state's agencies under an exemption from all or part of the Administrative Procedure Act. Some of these rules are exempted by A.R.S. §§ 41-1005 or 41-1057; other rules are exempted by other statutes; rules of the Corporation Commission are exempt from Attorney General review pursuant to a court decision as determined by the Corporation Commission.

NOTICE OF EXEMPT RULEMAKING

TITLE 6. ECONOMIC SECURITY

CHAPTER 5. DEPARTMENT OF ECONOMIC SECURITY SOCIAL SERVICES

PREAMBLE

- | <u>1. Sections Affected</u> | <u>Rulemaking Action</u> |
|-----------------------------|--------------------------|
| Appendix A | Repeal |
| Appendix A | New Section |
- 2. The specific authority for the rulemaking, including both the authorizing statute (general) and the statute the rules are implementing (specific):**
Authorizing statutes: A.R.S. §§ 41-1005(A)(26); 41-1954(A)(3); 46-134(A)(12); 46-805
Implementing statutes: A.R.S. §§ 46-801 through 46-810
Statute authorizing the exemption: A.R.S. § 41-1005(A)(26)
- 3. The effective date of the rules:**
July 1, 2004. This date is consistent with statutory requirements regarding eligibility levels.
- 4. A list of all previous notices appearing in the Register addressing the exempt rule:**
None
- 5. The name and address of agency personnel with whom persons may communicate regarding the rule:**
Name: Beth A. Broeker
Address: 1798 W. Jefferson, Site Code 837A
Phoenix, AZ 85007
or
P.O. Box 6123, Site Code 837A
Phoenix, AZ 85005
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Fax: (602) 542-6000
E-mail: bbroeker@mail.de.state.az.us
- 6. An explanation of the rule, including the agency's reason for initiating the rule, including the statutory citation to the exemption from the regular rulemaking procedures:**
A.R.S. § 41-1005(A)(26) gives the Department an exemption from the Administrative Procedure Act to develop rules under A.R.S. § 46-805. This statute gives the Department the authority to establish payment rates for child care assistance and a sliding fee scale and formula for determining child care assistance. The Department is adopting a new Child Care Assistance Gross Monthly Income Eligibility Chart & Fee Schedule to adjust the eligibility limits for child care assistance (to reflect updated Federal Poverty Guidelines).
- 7. A reference to any study that the agency relied on in its evaluation of or justification for the rule and where the public may obtain or review the study, all data underlying each study, any analysis of the study and other supporting material:**
Not applicable
- 8. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of the state:**
Not applicable

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- 9. The summary of the economic, small business, and consumer impact:**
Because these rules are exempt from the Administrative Procedure Act under A.R.S. § 41-1005(A)(26), the Department did not prepare an economic impact statement.
- 10. A description of the changes between the proposed rule, including supplemental notices, and final rules (if applicable):**
Not applicable
- 11. A summary of the principle comments and the agency response to them:**
Not applicable
- 12. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:**
Not applicable
- 13. Incorporations by reference and their location in the rules:**
Not applicable
- 14. Was this rule previously adopted as an emergency rule?**
No
- 15. The full text of the rules follows:**

TITLE 6. ECONOMIC SECURITY

**CHAPTER 5. DEPARTMENT OF ECONOMIC SECURITY
SOCIAL SERVICES**

ARTICLE 49. CHILD CARE ASSISTANCE

Section

- ~~Appendix A. Child Care Assistance Gross Monthly Income Eligibility Chart & Fee Schedule Repealed~~
- ~~Appendix A. Child Care Assistance Gross Monthly Income Eligibility Chart & Fee Schedule~~

ARTICLE 49. CHILD CARE ASSISTANCE

- ~~Appendix A. Child Care Assistance Gross Monthly Income Eligibility Chart & Fee Schedule Repealed~~

~~**ARIZONA DEPARTMENT OF ECONOMIC SECURITY
DIVISION OF EMPLOYMENT AND REHABILITATION SERVICES – CHILD CARE ADMINISTRATION
CHILD CARE ASSISTANCE GROSS MONTHLY INCOME ELIGIBILITY CHART AND FEE SCHEDULE**~~

~~*EFFECTIVE JULY 1, 2003*~~

Family Size	FEE LEVEL 1 (L1)	FEE LEVEL 2 (L2)	FEE LEVEL 3 (L3)	FEE LEVEL 4 (L4)	FEE LEVEL 5 (L5)	FEE LEVEL 6 (L6)
	INCOME-MAXIMUM EQUAL TO OR LESS THAN 85% FPL*	INCOME-MAXIMUM EQUAL TO OR LESS THAN 100% FPL*	INCOME-MAXIMUM EQUAL TO OR LESS THAN 135% FPL*	INCOME-MAXIMUM EQUAL TO OR LESS THAN 145% FPL*	INCOME-MAXIMUM EQUAL TO OR LESS THAN 155% FPL*	INCOME-MAXIMUM EQUAL TO OR LESS THAN 165% FPL*
1	0—637	638—749	750—1,012	1,013—1,087	1,088—1,161	1,162—1,236
2	0—859	860—1,010	1,011—1,364	1,365—1,465	1,466—1,566	1,567—1,667
3	0—1,082	1,083—1,272	1,273—1,718	1,719—1,845	1,846—1,972	1,973—2,099
4	0—1,304	1,305—1,534	1,535—2,071	2,072—2,225	2,226—2,378	2,379—2,532
5	0—1,526	1,527—1,795	1,796—2,424	2,425—2,603	2,604—2,783	2,784—2,962
6	0—1,749	1,750—2,057	2,058—2,777	2,778—2,983	2,984—3,189	3,190—3,395

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7	0—1,972	1,973—2,319	2,320—3,131	3,132—3,363	3,364—3,595	3,596—3,827
8	0—2,193	2,194—2,580	2,581—3,483	3,484—3,741	3,742—3,999	4,000—4,257
9	0—2,416	2,417—2,842	2,843—3,837	3,838—4,121	4,122—4,406	4,407—4,690
10	0—2,639	2,640—3,104	3,105—4,191	4,192—4,501	4,502—4,812	4,813—5,122
11	0—2,861	2,862—3,365	3,366—4,543	4,544—4,880	4,881—5,216	5,217—5,553
12	0—3,083	3,084—3,627	3,628—4,897	4,898—5,260	5,261—5,622	5,623—5,958**

MINIMUM REQUIRED CO-PAYMENTS

1st child in care	full day = \$1.00 part day = \$.50	full day = \$2.00 part day = \$1.00	full day = \$3.00 part day = \$1.50	full day = \$5.00 part day = \$2.50	full day = \$7.00 part day = \$3.50	full day = \$10.00 part day = \$5.00
2nd child in care	full day = \$.50 part day = \$.25	full day = \$1.00 part day = \$.50	full day = \$1.50 part day = \$.75	full day = \$2.50 part day = \$1.25	full day = \$3.50 part day = \$1.75	full day = \$5.00 part day = \$2.50
3rd child in care	full day = \$.50 part day = \$.25	full day = \$1.00 part day = \$.50	full day = \$1.50 part day = \$.75	full day = \$2.50 part day = \$1.25	full day = \$3.50 part day = \$1.75	full day = \$5.00 part day = \$2.50

No minimum required co-pay for 4th (or more) child in care. Full day = six or more hours; part day = less than six hours.

Families receiving child care assistance based upon involvement with Child Protective Services/Foster Care, the JOBS Program, or those who are receiving cash assistance and who are employed, may not have an assigned fee level and may not have a minimum required co-payment. However, all families may be responsible for charges above the Minimum Required Co-Payments if a provider's rates exceed allowable state reimbursement maximums and/or the provider has other additional charges.
* Federal Poverty Level (FPL)

** This amount is equal to the Federal Child Care and Development Fund statutory limit (for eligibility for child care assistance) of 85% of the state median income.

Appendix A. Child Care Assistance Gross Monthly Income Eligibility Chart & Fee Schedule

**ARIZONA DEPARTMENT OF ECONOMIC SECURITY
DIVISION OF EMPLOYMENT AND REHABILITATION SERVICES - CHILD CARE ADMINISTRATION
CHILD CARE ASSISTANCE GROSS MONTHLY INCOME ELIGIBILITY CHART & FEE SCHEDULE**

(EFFECTIVE JULY 1, 2004)

Family Size	FEE LEVEL 1 (L1)	FEE LEVEL 2 (L2)	FEE LEVEL 3 (L3)	FEE LEVEL 4 (L4)	FEE LEVEL 5 (L5)	FEE LEVEL 6 (L6)
	INCOME MAXIMUM EQUAL TO OR LESS THAN 85% FPL*	INCOME MAXIMUM EQUAL TO OR LESS THAN 100% FPL*	INCOME MAXIMUM EQUAL TO OR LESS THAN 135% FPL*	INCOME MAXIMUM EQUAL TO OR LESS THAN 145% FPL*	INCOME MAXIMUM EQUAL TO OR LESS THAN 155% FPL*	INCOME MAXIMUM EQUAL TO OR LESS THAN 165% FPL*
1	0 – 660	661 – 776	777 – 1,048	1,049 – 1,126	1,127 – 1,203	1,204 – 1,281

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<u>2</u>	<u>0 – 885</u>	<u>886 – 1,041</u>	<u>1,042 – 1,406</u>	<u>1,407 – 1,510</u>	<u>1,511 – 1,614</u>	<u>1,615 – 1,718</u>
<u>3</u>	<u>0 – 1,111</u>	<u>1,112 – 1,306</u>	<u>1,307 – 1,764</u>	<u>1,765 – 1,894</u>	<u>1,895 – 2,025</u>	<u>2,026 – 2,155</u>
<u>4</u>	<u>0 – 1,336</u>	<u>1,337 – 1,571</u>	<u>1,572 – 2,121</u>	<u>2,122 – 2,278</u>	<u>2,279 – 2,436</u>	<u>2,437 – 2,593</u>
<u>5</u>	<u>0 – 1,561</u>	<u>1,562 – 1,836</u>	<u>1,837 – 2,479</u>	<u>2,480 – 2,663</u>	<u>2,664 – 2,846</u>	<u>2,847 – 3,030</u>
<u>6</u>	<u>0 – 1,786</u>	<u>1,787 – 2,101</u>	<u>2,102 – 2,837</u>	<u>2,838 – 3,047</u>	<u>3,048 – 3,257</u>	<u>3,258 – 3,467</u>
<u>7</u>	<u>0 – 2,012</u>	<u>2,013 – 2,366</u>	<u>2,367 – 3,195</u>	<u>3,196 – 3,431</u>	<u>3,432 – 3,668</u>	<u>3,669 – 3,904</u>
<u>8</u>	<u>0 – 2,237</u>	<u>2,238 – 2,631</u>	<u>2,632 – 3,552</u>	<u>3,553 – 3,815</u>	<u>3,816 – 4,079</u>	<u>4,080 – 4,342</u>
<u>9</u>	<u>0 – 2,462</u>	<u>2,463 – 2,896</u>	<u>2,897 – 3,910</u>	<u>3,911 – 4,200</u>	<u>4,201 – 4,489</u>	<u>4,490 – 4,779</u>
<u>10</u>	<u>0 – 2,687</u>	<u>2,688 – 3,161</u>	<u>3,162 – 4,268</u>	<u>4,269 – 4,584</u>	<u>4,585 – 4,900</u>	<u>4,901 – 5,216</u>
<u>11</u>	<u>0 – 2,913</u>	<u>2,914 – 3,426</u>	<u>3,427 – 4,626</u>	<u>4,627 – 4,968</u>	<u>4,969 – 5,311</u>	<u>5,312 – 5,653</u>
<u>12</u>	<u>0 – 3,138</u>	<u>3,139 – 3,691</u>	<u>3,692 – 4,983</u>	<u>4,984 – 5,352</u>	<u>5,353 – 5,722</u>	<u>5,723 – 6,042**</u>

MINIMUM REQUIRED CO-PAYMENTS

<u>1st child in care</u>	<u>full day = \$1.00 part day = \$.50</u>	<u>full day = \$2.00 part day = \$1.00</u>	<u>full day = \$3.00 part day = \$1.50</u>	<u>full day = \$5.00 part day = \$2.50</u>	<u>full day = \$7.00 part day = \$3.50</u>	<u>full day = \$10.00 part day = \$5.00</u>
<u>2nd child in care</u>	<u>full day = \$.50 part day = \$.25</u>	<u>full day = \$1.00 part day = \$.50</u>	<u>full day = \$1.50 part day = \$.75</u>	<u>full day = \$2.50 part day = \$1.25</u>	<u>full day = \$3.50 part day = \$1.75</u>	<u>full day = \$5.00 part day = \$2.50</u>
<u>3rd child in care</u>	<u>full day = \$.50 part day = \$.25</u>	<u>full day = \$1.00 part day = \$.50</u>	<u>full day = \$1.50 part day = \$.75</u>	<u>full day = \$2.50 part day = \$1.25</u>	<u>full day = \$3.50 part day = \$1.75</u>	<u>full day = \$5.00 part day = \$2.50</u>

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